



THE CITY OF NEW YORK
LAW DEPARTMENT

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February 21, 2019

BY ECF

Honorable Robert M. Levy
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 10007

Re: Devan Billups v. City of New York, et al.
18 CV 4023 (ARR) (RML)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in this matter. I write jointly with plaintiff's counsel, Alan Levine, to respectfully request a thirty (30) day adjournment of the status conference presently scheduled for 10:00 a.m. on February 26, 2019 to a date and time convenient to the Court. This is the parties' first request to adjourn the conference.

By way of background, plaintiff bring this action, pursuant to 42 U.S.C. § 1983, alleging that, on or about April 21, 2017, while he was in Department of Correction ("DOC") custody, he was subjected to violations of his Fourteenth Amendment rights, including, *inter alia*, deliberate indifference to medical needs, negligence, and negligent training and supervision. Since the parties' initial conference on November 8, 2018, this Office has requested and obtained paperwork from DOC, which is pertinent to attempting to identify the staff working on the date of incident at the locations plaintiff references in his complaint. However, this Office's investigation revealed that there were a significant number of officers on duty during the several shifts that day, and as such, this Office needs more information from plaintiff to attempt to identify the purported "John Does." To that end, on February 8, 2019, defendant served plaintiff with identification interrogatories. It is our hope that once plaintiff provides the responsive information, the parties anticipate being in a better position to attempt to identify the "John Doe" defendants.

As such, at this juncture, the parties believe a status conference with the Court will be more fruitful if the parties were granted the additional time of thirty (30) days to attempt

to identify the purported “John Doe” defendants. To the extent this request is granted, and in an effort to assist the Court in rescheduling the status conference, counsel for the parties have conferred regarding available dates and are currently available on March 29, 2019, April 4, 2019, or April 5, 2019.¹

Accordingly, the parties respectfully request a thirty (30) day adjournment of the February 26, 2019 status conference to a date and time convenient to the Court after March 28, 2019, proposing tentative dates of March 29, 2019, April 4, 2019, or April 5, 2019. We thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/

Kathleen D. Reilly
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
Alan D. Levine, Esq., *Attorney for Plaintiff*

¹ The requested extension of time will also benefit plaintiff’s counsel, as Mr. Levine completed two trials in February, and his associate assisting on this matter has been out on maternity leave, returning mid-March.